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ABSTRACT

The role of surrogate parents in advocating for handicapped children whose parents or guardians are unknown or unavailable, or children who are wards of the state is discussed and a surrogate parent training program in South Dakota is described. The program provides 20 hours of instruction including lecture and large group discussion, small group discussion and problem solving, simulation activities, media presentations, programed learning through study books and self-instructional case studies, supplemental reading, and use of a resource manual. It was decided that, at least for the first year of the project, potential surrogate parents would be drawn from a pool of foster parents of handicapped children. Planned future dissemination activities include conference presentations, news releases, and brochures on the project. (CL)

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TRAINING SURROGATE PARENTS

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The University of South Dakota was recently awarded a grant which has as its purpose the training of surrogate parents. The two-year project has four main objectives:

1. The first objective is to develop appropriate training materials for a twenty-hour inservice for surrogate parents. There is no surrogate training program in existence in South Dakota at this time. During the first year of the project, the staff is selecting appropriate training materials from among those that other states have developed, locating commercial materials, and preparing materials which are specific to South Dakota. These will be field-tested and revised for the second year of the project.
2. The second objective is to provide training to approximately twenty-five persons who will serve as surrogate parents. During the first year of the project, fifteen surrogate parents will participate in this training program. In the second year, ten additional surrogate parents for handicapped children in South Dakota will receive training, as well as ten individuals who will serve as future trainers.
3. The third objective is to provide a support system for the newly trained surrogate parents. Parents report that the educational decision-making process can be intimidating and confusing. It seems likely that some of the appointed surrogate parents will experience some anxiety over this new role. Consequently, if the parents are to perform their role with knowledge and assurance, it seems likely that they will need some personal support and assistance. The members of the project staff in cooperation with the SEA, South Dakota Department of Social

Services, Lutheran Social Services, the South Dakota Association for Retarded Citizens, and the South Dakota Advocacy Project will provide that support.

4. The last objective is to prepare ten persons to serve as trainers following the completion of the two-year project. The fourth objective of this project, which will be accomplished during the second year, is to prepare ten trainers who will assist in continuing the goals of the original project.

With this brief overview of The University of South Dakota surrogate parent project, the following information presents a summary of the concept of the surrogate parent and its legal basis.

With the passage of PL 94-142, The Education for All Handicapped Children Act of 1975, every child's right to a free and appropriate public education has been established. The responsibility for insuring that each child enjoys this right lies with the child's parents. One of the fundamental provisions of the law is the right of the handicapped child's parents to be involved in the educational decision-making process. There are, however, children who lack this parental representation. They are children whose parents or guardians are unknown or unavailable, or children who are wards of the state. In this situation, each state must develop a plan that will protect the rights of handicapped children through the appointment of an individual to act as a surrogate for the parent or guardian (Abeson, Bolick, & Hass, 1975).

The surrogate parent acting as an advocate for the child, assures that the child receives a free appropriate education in the least restrictive environment and safeguards all educational due process guarantees.

The appointed surrogate parent plays a role limited to aspects of the child's education. The federal regulations provide that the surrogate parent has certain responsibilities related to education:

The surrogate parent may represent the child in all matters relating to:

(1) The identification, evaluation, and educational placement of the child, and

(2) The provision of a free appropriate public education to the child (Federal Register, 1977, p. 42496).

Sometimes confusion exists concerning the terms surrogate parent and foster parent. Foster parents, having the child in their home, deal with most aspects of the child's life. The surrogate parent has no overall responsibility for the child, but deals solely with the educational realm. Thus, the surrogate parent participates in the IEP process, parent-teacher conferences, and advocates appropriate placement and programming.

The federal regulations state that the public agency responsible for educating the child shall insure that the rights of a child are protected when certain general conditions exist:

Each public agency shall insure that rights of the child are protected when:

(1) No parent can be identified,

(2) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(3) The child is a ward of the State under the laws of that State (Federal Register, 1977, p. 42496).

The regulations specify certain duties for the public agency:

The duty of a public agency. . . includes the assignment of an individual to act as a surrogate for the parents. This must include a method

(1) for determining whether a child needs a surrogate parent, and

(2) for assigning a surrogate parent to the child (Federal Register, 1977, p. 42496).

In addition, the regulations specify a non-employee requirement:

(1) A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child.

(2) A person who otherwise qualifies to be a surrogate parent. . . is not (considered to be) an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent (Federal Register, 1977, p. 42496).

The regulations grant the states freedom to choose methods by which they will select and appoint surrogate parents. However, the regulations prescribe certain criteria for selecting individuals to act as surrogate parents. It is because of the following regulation that The University of South Dakota has developed a training program for surrogate parents:

(1) The public agency may select a surrogate parent in any way permitted under State law.

(2) Public agencies shall insure that a person selected as a surrogate:

(i) Has no interest that conflicts with the interests of the child he or she represents; and

(ii) Has knowledge and skills that insure adequate representation of the child (Federal Register, 1977, p. 42496).

Just what these specific knowledge and skills are vary from state to state. In terms of knowledge, the surrogate parent should be familiar with state and federal requirements, the public agency that is responsible for the child's education, the nature of the child's disability and the specific needs of the child. Skills would surely involve the ability to advocate effectively for a child's educational program in a group decision-making process. The law has no requirement that a person appointed as a surrogate parent should be someone with any specialized professional training.

As specified by law, surrogate parents have the same rights that natural parents or guardians have in the educational decision-making process. Similarly, surrogate parents have the same responsibilities; they should act in the child's best interests. The following areas were identified by the project staff as components of an instructional program designed to enable surrogate parents to function more effectively in their role:

I. The concept of surrogate parenting (Functions of a surrogate parent, 1980)
   - A. Philosophical and legal basis
   - B. The role of the surrogate parent
   - C. The protection and rights of the surrogate parent

II. Surrogate parent responsibilities
   - A. Participate in the training program
   - B. Have no conflict of interest
   - C. Represent the child in all educational decision making
   - D. Become acquainted with the child and his/her needs
   - E. Attempt to ascertain the child's educational wishes and concerns
   - F. Respect the confidentiality of records and information
   - G. Become familiar with relevant community resources and agencies (Parent resource library catalog, 1981)
   - H. Monitor the child's educational program and placement (Nazzaro, 1979)
   - I. Recommend program or placement changes if appropriate
   - J. Initiate due process procedures when necessary (Bateman, 1980)
   - K. Be certain that the child is being educated in the LRE
   - L. Engage professional services on behalf of the child if necessary
   - M. Fulfill as completely as possible the responsibilities that all parents have in making educational decisions

In order to effectively fulfill the responsibilities required of a surrogate parent, general knowledge of the area of special education would be important. The surrogate parent should be familiar with:

III. Exceptional children and programming

A. The concept of special education (Feltner, 1979)

B. Classifications of special education students

C. Characteristics of exceptional children

D. The role of labels in programming within the state

E. Instructional models in the continuum of services

F. Role and relationships of personnel within each model (NLRC of PA, 1982)

G. Relevant state and federal laws

H. Rights and protections awarded to parents and handicapped children

The individual serving as a surrogate parent should be thoroughly familiar with the IEP process and procedural guidelines including:

IV. IEP Development

A. Function of the placement committee (Caster, 1979)

B. Referral process

C. Parental notice and consent

D. Nondiscriminatory evaluation

E. Content of the IEP

F. Determining current levels of performance

G. Specifying annual goals and instructional objectives

H. Evaluation of goals and objectives

I. Committee agreement concerning appropriateness, program decision, and approval

J. Monitoring the IEP

In order to provide the newly appointed surrogate parents with the identi-

fied knowledge and skills, the project staff began to develop an instructional program designed to address these competencies. Various training programs from other states were examined. The length of these programs ranged from five minutes to fifteen hours. Finally, a twenty-hour program was developed involving a variety of procedures and materials including the following:

1. Lecture and large-group discussion were used to initially present a topic, to share group concerns and questions, and for follow-up summary.
2. Small-group discussion and problem solving addressed the unique concerns of the trainees. Many aspects of IEP development are particularly suited for small-group interaction and allow a high level of participant interaction.
3. Simulation and role-playing activities allowed participants to enact or experience various tasks associated with IEP and placement meetings, parent-teacher conferences, and other meetings in which a surrogate parent might participate.
4. Media were selected, including films related to the provisions of PL 94-142 and parent involvement in the IEP team, and filmstrips on the functions of a surrogate parent and preparing for an IEP meeting.
5. A programmed study book was selected which provides parents of handicapped children with guidelines for working with schools (Lillie & Place, 1982). A self-instructional case study which simulates a surrogate parent's role and interactions with a school district on behalf of a handicapped child was provided for home study (Georgia Learning Resources System, 1980).
6. Two paperback books were selected to be given to each trainee for use outside of the training sessions. One book for later use as a resource was a comprehensive dictionary of terms related to special education

(Kelly & Vergason, 1978). Another book provided for outside reading was authored by parents of handicapped children--parents who are also professionals (Turnbull & Turnbull, 1982).

7. A resource manual was developed for each participant. The manual is a reference which contains information on a wide variety of topics. Included were appropriate sections of the state handbook on special education, definitions of handicapping conditions, state and national resources, a bibliography for further reading, and numerous other topics.

The twenty-hour inservice took place at a hospital school in the largest population center in South Dakota. It occurred over a period of three Saturdays in order to allow employed individuals to attend. The hospital school provided services which facilitated inservice arrangements. A cafeteria was available and experienced child care was provided for parents who wished to bring their children. The provision of meals and child care, in addition to a stipend, provided extra incentive for those who volunteered to participate in the training program.

The project staff consisted of two University of South Dakota faculty members in special education. One had particular interest and expertise in working with parents of handicapped individuals and one had special interest in educational programming for the handicapped. In addition to the faculty members, a doctoral student with experience in dealing with parents of handicapped children assisted with the project.

The staff considered it important that a parent of a handicapped child be involved. Several parents were interviewed, and one parent was selected for a number of reasons. She had worked for several years with public agencies to insure an appropriate placement for her child. She was very familiar with the IEP process and state and federal legislation, was active in parent organizations

for the handicapped and had frequently been in leadership positions.

Another vital component of this surrogate parent project was the involvement of a legal consultant. Two attorneys committed to protecting the rights of handicapped persons provided suggestions from the project's conception. The attorney for the South Dakota Advocacy Project was involved in the actual inservice. Over the past several years he has demonstrated his commitment to handicapped children and their parents. He provided trainees with information on state and federal legislation related to the handicapped and was available to respond to any legal concerns of the staff or newly trained surrogate parents.

After the grant was funded, the university staff began working closely with the state education agency (SEA) to locate potential trainees. As weeks passed, it became apparent that unresolved legal issues created some resistance to the appointment of surrogate parents. Although the federal law clearly states that surrogate parents shall be appointed, it does not clearly address the legal problems which could arise (Shrybman, 1982). Some individuals were hesitant to volunteer to participate in the training. They expressed concerns that they might become involved in situations that would incur legal liabilities upon themselves. Following consultations with SEA personnel and the legal consultants, the decision was made that the most appropriate potential trainees were foster parents of handicapped children--at least for the first year of the project.

This approach met with considerably more success than the recruitment of volunteers from the community. The foster parents had already shown their interest in handicapped children by providing care for them. They had met the additional requirements imposed by the social service agencies that are necessary if one wishes to provide foster care to children who are handicapped. Foster parents are indeed eligible to be appointed as surrogate parents as long as they

meet the criteria for selection. That is, they should have no interest that conflicts with the interests of the child; they should have the knowledge and skills that would insure adequate representation of the child; and they must not be an employee of the public agency which is involved in the education or care of the child. Employment and compensation as a foster parent does not represent a conflict of interest. The training of foster parents to serve as surrogates seemed even more appropriate when it became evident that a substantial number of foster parents were already voluntarily assuming the role of surrogate parents. They were active in school activities, involved in educational programming decisions, and generally taking part in all aspects of the child's education.

Throughout the months following the twenty-hour inservice, support will be available for the foster parents in their new role as surrogate parents. Each parent will be contacted by telephone at least monthly. A periodic newsletter will be developed and distributed to each surrogate. A one-day follow-up session will be held to allow those who participated in the training to express general concerns and to evaluate the project.

Following the completion of the first year of the surrogate parent project, it will be important to widely distribute information concerning the program throughout the state. A number of agencies and organizations will be concerned with the support and success of the surrogate parent training. The SEA, which is responsible for appointing surrogate parents, will be interested in the success of the appointed parents. LEAs, although perhaps presently less concerned, may eventually express a need for surrogate parents. Parent organizations will be interested in the success of the project and very likely will be providing future trainers. Consequently, several dissemination activities are planned:

1. News releases will be provided to newspapers in the state and to the

University radio and television stations.

2. Periodic updates will be given to the SEA, social service agencies, state organizations concerned with the handicapped and any other interested groups or agencies.
3. Presentations will be made at meetings, conventions, and conferences at all levels--local, state, regional and national.
4. A brochure describing the training program, its purpose, content, and availability will be developed.

Although the exact number of handicapped children in South Dakota who are in need of surrogate parents has not been precisely determined, the SEA has estimated the number to be approximately three hundred fifty. The South Dakota Comprehensive System of Personnel Development committee has identified the training of surrogate parents as a priority for the next several years. Until this project, no training program for surrogates existed in the state. Though it is not known at this time how effective the newly trained surrogate parents will be, it seems apparent that if they are to perform their role with knowledge and assurance, the training and support provided by this project will be invaluable.

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